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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,520	04/09/2001	Vladimir R. Pisarsky	US018049	6717

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PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
INTELLECTUAL PROPERTY & STANDARDS
1109 MCKAY DRIVE, M/S-41SJ
SAN JOSE, CA 95131

EXAMINER
PHAM, THOMAS K

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/829,520	PISARSKY, VLADIMIR R.
	Examiner	**Art Unit**	
	Thomas K. Pham	2121	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *15 February 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-14 and 18* is/are rejected.

7) ☒ Claim(s) *15-17,19 and 20* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Amendment

1.   This is in response to the amendment filed 02/15/2006.

2.   New claims 5-20 filed by the applicant has been entered.

3.   Applicant's arguments, with respect to the new issues of claims 1-4 and the addition of

claims 5-20, necessitated the new ground(s) of rejection presented in this Office action.

Quotations of U.S. Code Title 35

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim Rejections - 35 USC § 102

6.   Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent

No. 6,272,639 ("Holden").

Regarding claim 1

Holden teaches an authentication object the authentication object for use in a transaction, the

transaction being authenticated at least in part via an authentication network, and at least one

data packet having an itinerary in the authentication network, the itinerary being pre-determined

in the at least one data packet, the authentication object comprising a predictor, the predictor

enabled to predict at least a part of the pre-determined itinerary of the at least one data packet in

the authentication network is taught as a security network interface (SNIU) for authenticates

users, exchange security parameters between SNIUs. The SNIU uses Internet Protocol (IP)

datagrams to predict an expected response as they are transmitted between user from lower

classification who wants access to higher classification. The predicted response is compared with

a datagram received from the higher classification. If matched, access is granted (see Col. 3 lines

44-61).

Regarding claim 3

Holden teaches a method of determining authenticity of an authentication object, the

authentication object being for use in a transaction, the transaction being authenticated at least in

part via an authentication network comprising plural nodes, and at least one data packet having

an itinerary in the authentication network, the itinerary being pre-determined in the at least one

data packet, the method comprising: receiving from the authentication object a prediction of at

least a part of the pre-determined itinerary of the at least one data packet in the authentication

network; and verifying the prediction is taught as a security network interface (SNIU) for authenticates users, exchange security parameters between SNIUs. The SNIU uses Internet Protocol (IP) datagrams to predict an expected response as they are transmitted between user from lower classification who wants access to higher classification. The predicted response is compared with a datagram received from the higher classification. If matched, access is granted (see Col. 3 lines 44-61).

Claim Rejections - 35 USC § 103

7.   Claims 2, 4-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,272,639 ("Holden") in view of U.S. Patent No. 6,978,223 ("Milliken").

Regarding claims 2, 4 and 5

Holden does not specifically teach wherein the predictor is implemented as logic circuitry that generates a prediction of at least one of (i) the node that the at least one data packet occupies and (ii) the next node that the at least one data packet will occupy; wherein receiving a prediction comprises receiving a prediction as to at least one of (i) the node that the data packet occupies and ii) the node that is the data packet's next destination; wherein receiving a prediction comprises receiving a prediction as to at least one of (i) the node that the data packet occupies and ii) the node that is the data packet's next destination.

Milliken teaches a system for measuring network performance parameters includes multiple network nodes using packet signature collection including predicting a link on which any given packet should exit the network or the egress link and a determination is made whether

the predicted network nodes from entering to exit is monitored by a packet signature recorder (see abstract and Col. 8 lines 49-67).

wherein the predictor is implemented as a look up table that contains, related to a time parameter, at least one of (i) the node that the at least one data packet occupies and (ii) the next node that the at least one data packet will occupy.

Milliken teaches each input interface of node may further include tables with record entries including a time stamp of global time stamp that corresponds to arrival of a packet (see Col. 6 lines 18-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the prediction of network nodes of Milliken with the system of Holden because it would provide for the purpose of determining a network performance based on a packet loss rate (see Col. 2 lines 45-64).

Regarding claims 6 and 7

Milliken teaches the invention as wherein verifying the prediction comprises comparing the prediction against at least a part of the actual itinerary of the at least one data packet; wherein verifying the prediction comprises comparing the prediction against at least one of (i) the node that the at least one data packet occupies and (ii) the next node that the at least one data packet will occupy (see Col. 2 lines 56-64).

Regarding claim 9

Holden teaches wherein exercising comprises having the at least one data packet occupy a pre-determined node of the authentication network at a particular time (see Col. 5 lines 44-51).

Regarding claim 10

Holden teaches wherein exercising further comprises, after a transaction, having the at least one data packet occupy a pre-determined node of the authentication network for use in authenticating a subsequent transaction (see Col. 6 lines 4-15).

Regarding claims 8, 11 and 12

Holden teaches exercising the at least one data packet's itinerary, establishing an itinerary for the at least one data packet comprises programming the at least one data packet (see Col. 9 lines 10-26).

Regarding claim 13

Holden teaches wherein establishing an itinerary for the at least one data packet comprises calculating an itinerary, mapping the calculated itinerary onto one or more instructions and storing the one or more instructions in the at least one data packet (see Col. 5 lines 51-58).

Regarding claim 14

Holden teaches further comprising receiving from the authentication object a prediction of at least a part of a pre-determined itinerary of a second data packet in an authentication network; and verifying the prediction (see Col. 15 lines 8-27).

Regarding claim 18

Holden teaches further comprising keeping a prediction valid for a selected time frame (see Col. 5 lines 44-51).

Allowable Subject Matter

8.   Claims 15-17 and 19-20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9.   Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.   Accordingly, **THIS ACTION IS MADE FINAL.**   See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.   In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.   In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.** Responses may also be faxed to the **official fax number (571) 273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

May 9, 2006

Anthony Knight
Supervisory Patent Examiner
Group 3600